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***The Constitutio Criminalis Theresiana and the Representation of Torture
in German Criminal Codes during the Time of Enlightenment***

This paper analyzes the criminal code *Constitutio Criminalis Theresiana* as a symbol of the transitory phase in the 18th century between the use of torture as a legal method and its abrogation. The various plates of the *Constitutio* illustrate how tortures should be performed during the inquisition. If the instruments of torture as thumbscrews (Daumenschraube), racks (Ausdehnung), Spanish Boots (Schraubstiefel) and their harmful effects on human body are described with a disturbing clinical accuracy in minutes details, the representation of human feelings (such as sorrow and humiliation of the ones being tortured), but also the brutality of the torturers, seem to be softened and stereotyped, especially if compared to the real intensity of the physical punishment. This attempt to minimize human feelings and to highlight the technical application of the instruments with explanatory images should be considered as a transitory phase of a process, which from the “gloomy festival of torture” (as Michel Foucault described it in *Surveiller et Punir*) led gradually to the abrogation of physical pain as legal procedure in 18th Century-Europe.